

REMARKS/ARGUMENTS

The Office Action dated August 15, 2007 has been carefully considered. Claims 9, 10 and 12-16 are pending in the application, with claim 9 being the only independent claim. Claims 9, 10 and 12-16 have been amended. Claims 11 and 17-21 have been canceled, without prejudice or disclaimer. Reconsideration of the application, as herein amended and in view of the following remarks, is respectfully requested.

Allowability of the Claims

Independent Claim 9

(i)

Claims 9-16 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,618,899 (*Ginzel*).

Independent claim 9 has been amended to include the subject matter of now canceled claim 11 and a new feature. Amended claim 9 now recites, *inter alia*, the following:

“a piston made of polyoxymethylene plastic, the piston having a toothed rack and being arranged for movement in the recess;

wherein the toothed rack is made of metal and is embedded in the piston by molding the polyoxymethylene plastic around the rack so that the rack and the piston form a one-piece element” (emphasis added).

Applicant respectfully submits that amended claim 9 is not anticipated by *Ginzel* because *Ginzel* fails to disclose, either expressly or inherently, the above-quoted limitations of amended claim 9.

On page 3 of the Office Action, the Examiner refers to col. 2, lines 62-66 of *Ginzel*, and contends that in *Ginzel* the piston 6 is made of polyoxymethylene plastic.

Applicant respectfully disagrees. Col. 2, lines 62-66 of *Ginzel* explicitly states that the piston 6 can be made of plastic. However, that part of *Ginzel* does not specifically disclose that the

piston 6 can be made of polyoxymethylene plastic. As a general rule, a genus will not anticipate a claim to a species (*see* MPEP 2131.02). Therefore, contrary to the Examiner's interpretation, *Ginzel* fails to disclose the recited limitation "a piston made of polyoxymethylene plastic" of amended claim 9 of the present application.

Moreover, on page 3 of the Office Action, the Examiner contends that U.S. Patent No. 4,019,220 (*Lieberman*), which is incorporated in *Ginzel* by reference, discloses a rack which is made of metal and a piston which is molded around the rack. *Lieberman* teaches that the body portion 26 and the rack 28 are made by different processes (*see* col. 3, lines 50-52 of *Lieberman*). According to *Lieberman*, the rack 28 is received in a recess portion 40 of the body portion 26 of the piston assembly 16 and supported on three bosses 52, 54 and 56 (*see* col. 3, lines 27-49 of *Lieberman*). Furthermore, according to *Lieberman*, the rack 28 is held in place by the bosses 52, 54 and 56, and by end walls 44, 46 and side walls 48, 50 of the recess portion 40 (*see* col. 38-42 of *Lieberman*). Moreover, *Lieberman* explicitly teaches that the rack 28 rests on the three bosses (*see* col. 3, lines 46-49 of *Lieberman*). As such and as clearly shown in Figs. 2 and 3 of *Lieberman*, the body portion 26 and the rack 28 do not form a one-piece element. Therefore, *Ginzel/Lieberman* also fails to disclose the recited limitation "wherein the toothed rack is made of metal and is embedded in the piston by molding the polyoxymethylene plastic around the rack so that the rack and the piston form a one-piece element" (emphasis added) of amended claim 9.

In view of these differences, withdrawal of the 35 U.S.C. 102(e) rejection of claim 9 is respectfully requested.

(ii)

Claims 9-16 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/36255 (which is the corresponding International Application of *Ginzel*) in view of U.S. Patent No. 6,077,908 (*Yahiro*).

The Examiner merely cites *Yahiro* as disclosing using polyoxymethylene plastic to make a variety of products. As discussed in detail above, *Ginzell/Lieberman* fails to disclose the recited limitation “wherein the toothed rack is made of metal and is embedded in the piston by molding the polyoxymethylene plastic around the rack so that the rack and the piston form a one-piece element” of amended claim 9. As a result, the combination of *Ginzell* and *Yahiro* also fails to teach or suggest the above-quoted limitation of amended claim 9.

In view of the foregoing, withdrawal of the 35 U.S.C. 103(a) rejection of claim 9 is respectfully requested.

Dependent Claims 10 and 12-16

Dependent claims 10 and 12-16 are allowable for at least the same reasons that amended independent claim 9 is allowable, as well as for the additional limitations recited therein.

In particular, it is noted that *Ginzell* fails to disclose teach or suggest the recited limitation “wherein the bearing shells are press fit into the housing” (emphasis added) of claim 13. Col. 9, lines 11-18 of *Ginzell* merely states that parts made of plastic are connected to each other by gluing, ultrasonic welding, laser welding, or similar methods. However, there is no mention of press fit.

Similarly, *Ginzell* fails to disclose, teach or suggest that an end plug is pressed into the housing, as expressly recited in claim 15.


Conclusion

In view of the foregoing, the application is now deemed to be in condition for allowance and notice to that effect is respectfully solicited.

It is believed that no fees or charges are required at this time in connection with the application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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